

The Human Rights Code, 1981  
S.O. 1981, c.53 as amended

IN THE MATTER OF the complaint made by Deborah C. Murphy, Windsor, Ontario, alleging discrimination in employment on the grounds of sex and sexual harassment by 501982 Ontario Limited, its servants and agents, and Mr. Zuli Lalani, 3162 Lauzon Road, Windsor, Ontario

B E T W E E N:

[REDACTED]

Complainant

-and-

501982 ONTARIO LIMITED and  
ZULI LALANI

Respondents

-and-

THE ONTARIO HUMAN RIGHTS COMMISSION

MINUTES OF SETTLEMENT

WHEREAS Deborah C. Murphy ("the Complainant") filed a complaint, being complaint number [REDACTED] under the Ontario Human Rights Code, 1981, on June 8, 1983, alleging discrimination in employment because of sex, sexual harassment and reprisal action contrary to sections 4(1), 6(2), 6(3)(a) and (b), 7 and 8 thereof;

AND WHEREAS the Respondents have denied the allegations giving rise to the complaint;

AND WHEREAS the Complainant, the Respondents and the Ontario Human Rights Commission ("the Commission") wish to resolve all outstanding issues between them.



The Human Rights Code, 1981  
B.O. 1981, c. H.3 as amended

IN THE MATTER OF the complaint made by Deborah C. Murphy, Windsor, Ontario, alleging discrimination in employment on the grounds of sex and sexual harassment by 501982 Ontario Limited, its servants and agents, and Mr. Kull Lalani, 3162 Lankom Road, Windsor, Ontario

BETWEEN:

DEBORAH C. MURPHY

Complainant

and

501982 ONTARIO LIMITED and  
KULL LALANI

Respondents

-and-

THE ONTARIO HUMAN RIGHTS COMMISSION

MINUTES OF SETTLEMENT

WHEREAS Deborah C. Murphy ("the Complainant") filed a complaint, being complaint number SW 2414, under the Ontario Human Rights Code, 1981, on June 8, 1983, alleging discrimination in employment because of sex, sexual harassment and reprisal action contrary to sections 4(1), 6(2), 6(3)(a) and (b), 7 and 8 thereof;

AND WHEREAS the Respondents have denied the allegations giving rise to the complaint;

AND WHEREAS the Complainant, the Respondents and the Ontario Human Rights Commission ("the Commission") wish to resolve all outstanding issues between them.



THEREFORE, In consideration of the covenants contained herein, the Complainant, the Respondents and the Commission hereby covenant and agree as follows:

1. The Respondent company will pay to the Complainant the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in return for the execution by the Complainant of a full and final release, in the form attached hereto as Appendix "A".
2. The Respondent Company will sponsor a seminar for the benefit of all managers of "A & W Restaurants" in its employ. The seminar will be conducted by the Commission on a date not later than December 31, 1985 to be agreed upon by the Commission and the Respondent Company. No reference shall be made during the course of the seminar to this complaint, to the circumstances surrounding it or to the parties involved.
3. The Respondent Company agrees to post a "Statement of Policy" concerning the Human Rights Code, 1981, in the employees' area of each "A & W Restaurant" operated by it no later than by December 31, 1985. A copy of the "Statement of Policy" will be provided to all restaurant managers employed by the Respondent Company, and to the Commission. The Respondent Company will ensure that the existence of the policy is brought to the attention of all A & W employees by their respective managers.

The Statement of Policy will inform employees that if they feel they are being subjected to discrimination <sup>or harassment</sup> in the course of their employment, they are to report incidents of alleged discrimination <sup>or harassment</sup> to their managers, who have been instructed to investigate and deal promptly and seriously with any such complaints. The policy shall further state that an employee who believes that his/her complaint has not been dealt with satisfactorily at the managerial level



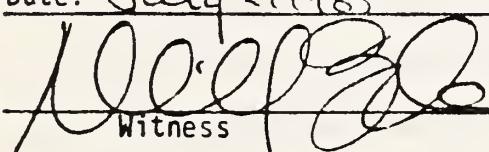
shall contact David Nickerson in writing at the Respondent Company's head office.

4. The Respondents shall together provide a letter of reference for the Complainant with respect to her employment with the Respondent Company, a copy of which is annexed as Appendix "C".

5. This settlement is made without any admission on the part of either Respondent that they denied the Complainant any right she has pursuant to the provisions of the Ontario Human Rights Code, 1981.

6. The parties hereto agree to keep confidential the terms of this settlement, and will not publicize, or assist in any publication of, by way of comment or otherwise, the terms of these Minutes of Settlement, except as provided in a press release in the form attached hereto as Appendix "B".

Date: July 2, 1985

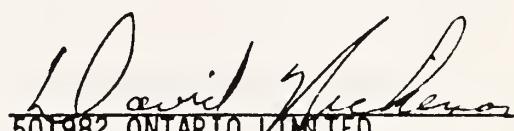
  
Witness

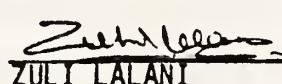
Date: Maureen Ryan Brude

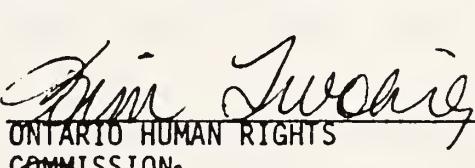
Date: July 2, 1985

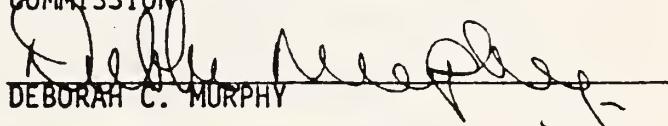
Maureen Ryan Brude  
Witness

Date: July 2, 1985

  
David Nickerson  
501982 ONTARIO LIMITED

  
Zuli Lalani

  
Jim Twining  
ONTARIO HUMAN RIGHTS  
COMMISSION

  
Deborah C. MURPHY



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APPENDIX "A"

The Human Rights Code, 1981  
S.O. 1981, c.H3 as amended

IN THE MATTER OF the complaint made by Deborah C. Murphy, Windsor, Ontario, alleging discrimination in employment on the grounds of sex and sexual harassment by 501982 Ontario Limited, its servants and agents, and Mr. Zuli Lalani, 3162 Lauzon Road, Windsor, Ontario

FULL AND FINAL RELEASE

IN CONSIDERATION of the payment to me, DEBORAH C. MURPHY, of the sum of FIVE THOUSAND DOLLARS (\$5,000.00), I hereby release, remise and forever discharge 501982 Ontario Limited and its respective servants and agents, and Mr. Zuli Lalani of and from all actions, causes of actions, claims and demands, which I had, now have or may hereinafter have by reason of the termination of my employment with 501982 Ontario Limited, operating as "A & W Restaurants" and, in particular, with respect to all matters which were the subject of a complaint of discrimination filed by me pursuant to the provisions of the Human Rights Code, 1981.

I expressly acknowledge that the payment referred to herein is made without prejudice to compromise a disputed claim and shall not in any way be deemed to constitute an admission of liability by 501982 Ontario Limited and/or Mr. Zuli Lalani to myself.



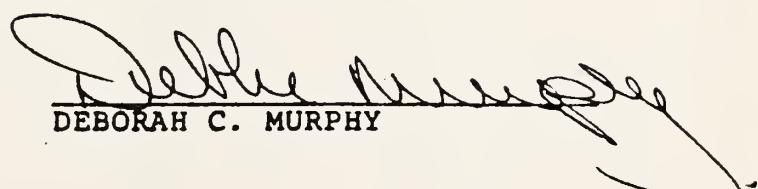
[Redacted]  
- 2 -

In further consideration of the payment referred to above, I agree to keep the terms and provisions of this Settlement confidential and, in particular, will not publicize nor assist in any publication of, by way of comment or otherwise, the terms of this settlement.

The terms and provisions of this Settlement shall suffice to the benefit of and be binding upon my heirs, administrators, successors and assigns.

DATED at WINDSOR , this 25<sup>th</sup> day of JULY , 1985.

Unknown  
Witness

  
DEBORAH C. MURPHY



APPENDIX "B"

PRIVACY RELEASE

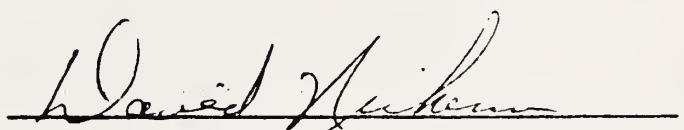
The complaint of discrimination on the grounds of sexual harassment by Deborah C. Murphy, a former manager of "A & W Restaurants" against her employer Holiday Ontario Limited and her supervisor was resolved to the satisfaction of all parties concerned. The resolution was reached prior to the calling of witnesses before the Board of Inquiry appointed to hear this matter which was terminated on November 18, 1990.



## APPENDIX "C"

Deborah O. Murphy was employed by A & W Restaurants from January, 1978, to May, 1983. She began as a cashier at the Huron Line restaurant in Windsor and was promoted to assistant manager in April, 1982. In approximately June, 1982, she was promoted to Manager of the Central restaurant location in Windsor. She remained in that capacity until September, 1982, when she was promoted to the position of Manager at a new A & W Restaurant in Chatham.

Her areas of responsibility as Manager were employee supervision, equipment maintenance, bookkeeping, ordering supplies and quality control. In addition, she assisted with all duties involved in the operation of the restaurant when required to do so.



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DAVID NICKERSON  
President

